

5/045/032



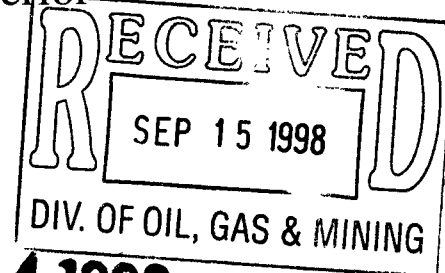
IN REPLY REFER TO

3809
U-69246
(UT-023)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake District Office
2370 South 2300 West
Salt Lake City, Utah 84119



SEP 14 1998

CERTIFIED MAIL Z 155 665 751
RETURN RECEIPT REQUESTED

DECISION

Mr. Russell C. Feller	:	
Feller Holding Company	:	43 CFR 3809
1051 North 1100 West	:	Surface Management
St. George, UT 84770	:	Notice of Noncompliance

Notice of Noncompliance for Failure to Reclaim the Allen #1-6 Mining Claim Area

During a routine inspection of your Allen #1-6 mining claims located in T. 8 S., R. 5 W., Section 24 (UMC 344559-344564), we determined that reclamation of the site has not been completed, as required under 43 CFR 3809.1-1. A Notice for this mining activity was filed on May 14, 1991 and accepted by the Salt Lake District Office on June 5, 1991. The subject mining claims were abandoned by the claimant and closed by the Utah State Office on August 31, 1993. Please be aware that, as the claimant, you are the responsible party for reclamation of all surface disturbance on your claims, even if you have failed to complete the required assessment work and have let your claims lapse.

The principal surface disturbance associated with your mining activities includes a quarry about 100 feet wide by 150 feet long by 6 feet deep and associated stockpiles of waste rock and overburden material. Your failure to reclaim the surface disturbance associated with your mining activity has resulted in unnecessary and undue degradation of Public Lands for which you are hereby being issued a Notice of Noncompliance.

All operators who have established a Record of Noncompliance are required to submit a Plan of Operations and must post a bond for 100% of the cost for reclamation, including administrative costs, for any and all future mining or milling operations on Public Land.

In order to bring yourself into compliance with Federal regulations, you must complete the required reclamation. Reclamation would include pushing the excavated stockpile and overburden material back into the pit, recontouring the disturbed site so that it blends in with the natural topography, then covering the area with stockpiled topsoil (or bringing in new topsoil if none was saved during the original excavation of the site) and re-seeding all of the areas of surface disturbance with native vegetation.

Please contact this office within 14 days of receipt of this letter to set up a schedule for reclamation of the surface disturbance associated with your mining activity. If you fail to do so, you will have established a Record of Noncompliance, and will be required to post a bond for 100% of BLM's estimated cost of reclamation, including administrative costs, for any future mining operations.

An appeal from this decision may be taken to the State Director, Utah State Office, BLM, in accordance with the provisions in Title 43 of the Code of Federal Regulations (CFR) Subpart 3809.4. If an appeal is taken, the notice of appeal must be filed in this office at 2370 South, 2300 West, Salt Lake City, Utah, 84119 within thirty (30) days from receipt of this decision.

Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director from this office. The appeal to the State Director must contain: 1) the name and mailing address of the appellant; 2) when applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Section 3833 of this title which are subject to appeal; and 3) a statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department, as it affects the mining claim(s). No appeal, protest, or petition for reconsideration will be entertained from this decision after the appeal period has expired.

If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

Margaret Wyatt
Area Manager

cc: D. Wayne Hedberg

/s/ Margaret Wyatt